

# ***EXHIBIT 1***

***UNREDACTED VERSION  
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# ***EXHIBIT 1***

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.;  
OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

Defendants.

CASE NO. 3:17-CV-00939-WHA

**PLAINTIFF WAYMO'S  
DISCLOSURE OF GARY BROWN  
PURSUANT TO FRCP 26(a)(2)(C)**

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1 Pursuant to Fed. R. Civ. P. 26(a)(2)(C), Plaintiff Waymo LLC hereby discloses Gary  
2 Brown as a potential expert witness for trial. As explained in Waymo's List of Opinions and  
3 Testimony Depending on Specialized Knowledge for Cases-in-Chief at Trial (Dkt. 770) and  
4 Waymo's List of Issues on Which It Will Present Expert Testimony During Its Case-in Chief at  
5 Trial, Waymo does not expect Mr. Brown to offer opinion testimony at this time, but rather will  
6 testify to the forensic investigation, and the conclusions drawn from that investigation, as  
7 disclosed in his March 9, 2017 Declaration. In an abundance of caution, and to the extent the  
8 Court deems Mr. Brown's testimony at trial as opinion testimony, Waymo hereby submits this  
9 disclosure pursuant to Rule 26(a)(2)(C).

**Witness:**

11 Gary Brown  
12 Security Engineer, Google  
13 111 8th Ave.  
New York, NY 10011

**Subject Matter:**

15 Pursuant to Fed. R. Civ. P. 26(a)(2)(C)(i), Waymo expects Mr. Brown to present evidence  
16 at trial concerning the forensic investigation into Anthony Levandowski, Sameer Kshirsagar and  
17 Radu Raduta, and the conclusions drawn from the results of the forensic investigation. In  
18 presenting this evidence to the jury, Mr. Brown is expected to rely on his professional experience  
19 and expertise, and the materials he generated, reviewed and/or relied on during the course of the  
20 forensic investigation, including but not limited to log materials produced at WAYMO-UBER-  
21 00000648-944.

22 Mr. Brown is expected to testify as to the analysis of Google's networks and hardware,  
23 including but not limited to two laptops issued to Anthony Levandowski, as well as various sets of  
24 log data and machine analyses concerning Mr. Levandowski's download of more than 14,000 files  
25 and trade-secret Google Drive documents, subsequent reformatting and erasure of the computer  
26 used to perform those downloads, subsequent insertion and removal of a USB card-reader and  
27 related activities. In the course of this testimony, Mr. Brown may discuss his experience and  
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1 familiarity with various log sources, data sources, and security investigation tools, including but  
2 not limited to: [REDACTED]

3 Waymo expects Mr. Brown to testify consistent with his March 9, 2017 Declaration in Support of  
4 Waymo's Motion for Preliminary Injunction (Dkt. 24-2); March 24, 2017 deposition; and August  
5 8, 2017 deposition, and hereby incorporates those materials by reference, including all exhibits  
6 and/or documents attached thereto or referenced therein.

**7 Summary of Facts:**

8 Pursuant to Fed. R. Civ. P. 26(a)(2)(C)(ii), Waymo also provides the below summary of  
9 facts to which Waymo expects Mr. Brown may testify at trial:

10 Mr. Brown may testify as to his own credentials as a Security Engineer and digital  
11 forensics expert. Mr. Brown holds an M.S. in Enterprise Computing and a B.S. in Cybersecurity  
12 from the Stevens Institute of Technology. Prior to his work at Google, Mr. Brown built and  
13 investigated signals that could be used to identify malicious activity as an Intrusion Analyst at the  
14 Federal Reserve. In his current position as a Security Engineer in Forensics at Google, Mr.  
15 Brown's role is to gather evidence from logs and hosts to confirm or refute suspected compromise  
16 or abuse. Mr. Brown may explain the nature and purpose of his work at Google, and describe how  
17 it is informed by his background and education.

18 Mr. Brown may further testify about the resources he uses to perform a forensic  
19 investigation. Specifically, Mr. Brown may explain that [REDACTED]

20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

25 Mr. Brown also may testify that when performing a forensic investigation, he has access to  
26 information related to device hosts from multiple sources. Mr. Brown may explain that he gleans  
27 information about hosts and their hardware through [REDACTED]  
28

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 Mr. Brown may also testify about the logged interactions that he reviews when performing  
8 a forensic investigation. Mr. Brown may describe the logs he reviewed during his investigation,  
9 which included: [REDACTED]

10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED].

19 Mr. Brown may also testify that [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]

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1 Mr. Brown may also testify about how he used the resources and information at his  
2 disposal to perform his forensic investigation of Anthony Levandowski, Sameer Kshirsagar and  
3 Radu Raduta. Mr. Brown may identify the devices issued by Google to Anthony Levandowski by  
4 their unique identifiers, including their asset tags, MAC addresses, and fingerprints, and describe  
5 the metadata and logged information associated with those devices. Mr. Brown may explain that  
6 based on his review of [REDACTED] an installed Windows operating system on the  
7 Levandowski work laptop made no check-ins to [REDACTED] between March 2, 2015 and November 25,  
8 2015, despite the [REDACTED] being configured to do so every 15 minutes when an internet  
9 connection is present. Mr. Brown may explain that based on his review of Google corporate  
10 network logs, the Levandowski work laptop's network interfaces appeared on the Google network  
11 a total of three times between March 2, 2015 and November 25, 2015: for a period of  
12 approximately two hours on October 22, 2015, approximately two hours on November 20, 2015,  
13 and then briefly on November 25, 2015. Mr. Brown may testify that, based on his review of [REDACTED]  
14 [REDACTED], the Windows operating system on the Levandowski work laptop was  
15 re-installed on November 26, 2015.

16 Mr. Brown may also testify about the searches Levandowski conducted, and the  
17 repositories Levandowski accessed in December 2015. Mr. Brown may explain that based on his  
18 review of [REDACTED] the Levandowski work laptop searched for the strings "chauffeur  
19 svn login" and "chauffeur svn eee setup" on December 3, 2015. Mr. Brown may explain that  
20 "Chauffeur" was the name of Google's self-driving car project, and "SVN" refers to a repository  
21 used by that project which contains Waymo's design files, schematics and other confidential  
22 information. Mr. Brown may further explain that based on his review of logs of Google corporate  
23 network traffic and Bit9 log data, the Levandowski work laptop downloaded and installed  
24 TortoiseSVN, which is software that can access the self-driving car project's SVN repository, on  
25 December 11, 2015. Mr. Brown may additionally explain that based on his review of logs from  
26 the SVN repository and of Google corporate network traffic, the Levandowski work laptop then  
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1 downloaded over 14,000 files from the SVN repository, also on December 11, 2015, totaling 9.7  
2 GBs of data, including 2 GBs from LiDAR subdirectories.

3 Mr. Brown may also testify that based on his review of Bit9 log data, a Transcend RDF5  
4 USB 3.0 card reader was attached to the Levandowski work laptop for a period of approximately  
5 eight hours on December 14, 2015. Mr. Brown may further testify that his review of [REDACTED]  
6 [REDACTED] and a timeline of the hard drive of the Levandowski work laptop, the  
7 Levandowski work laptop was reformatted from a Windows operating system to a Linux operating  
8 system (Goobuntu, Google's custom version of Ubuntu Linux) on December 18, 2015.

9 Mr. Brown may also testify about the Levandowski work laptop's connection to Google's  
10 network. Mr. Brown may explain that based on his review of [REDACTED]  
11 [REDACTED] the Levandowski work laptop  
12 maintained a consistent connection on Google's network from the time of reformat on December  
13 18th through its last check-in to [REDACTED] on December 21,  
14 2015; and that the final appearance of the Levandowski work laptop on Google's corporate  
15 network occurred approximately one minute after it obtained the machine certificate on December  
16 21, 2015. Mr. Brown may describe how from that point on, there was no further appearance of the  
17 Levandowski work laptop on Google's corporate network, nor any check-ins to [REDACTED] despite the  
18 [REDACTED] being configured to check-in every 15 minutes when an internet connection was  
19 present.

20 Mr. Brown may additionally testify that based on his review of Google Drive log data, the  
21 GALA ID assigned to Levandowski exported six documents to a personal device in January 2016.  
22 Mr. Brown may describe those documents.

23 Mr. Brown also may testify about the devices issued by Google to Sameer Kshirsagar and  
24 Radu Raduta. Mr. Brown may identify those devices by their unique identifiers, and describe the  
25 metadata and logged information associated with those devices. Mr. Brown may testify that based  
26 on his review of Google Drive log data, Kshirsagar exported five documents from Google Drive in  
27 June and July 2016. Mr. Brown may describe those documents. Mr. Brown may testify that based  
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1 on his review of Google Drive log data, Raduta exported three documents from Google Drive in  
2 July 2016. Mr. Brown may describe those documents.

3 Mr. Brown may also testify that, based on the surrounding circumstances and  
4 Levandowski's prior network activity patterns, he concluded that Levandowski's network activity  
5 in December 2015 and January 2016 was unusual and suspicious. Mr. Brown also may testify that  
6 it was unusual for an employee to reformat the operating system on his or her device. Mr. Brown  
7 may also testify that the timing of the foreign device attachment to the Levandowski laptop  
8 indicates to him that files were downloaded to the foreign device. Mr. Brown may further testify  
9 that his conclusion, based on several points of data related to Levandowski's devices and digital  
10 footprint, is that of a malicious act or acts.

11  
12 DATED: August 24, 2017

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

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15 By /s/ Charles Verhoeven

16 Charles K. Verhoeven  
17 Attorneys for WAYMO LLC  
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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing to be served by electronic mail upon the following:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 24, 2017, in San Francisco, California.

*/s/ Jeff Nardinelli*

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Attorney for Waymo LLC